

S.B. Criminal Misc. Bail Application No.2468/2006

Date : 10.07.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. D.K. Parihar for the applicant.

Mr. Vishnu Kachhawaha, Public Prosecutor.

Mr. Manish Dadich for complainant.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State assisted by learned counsel for the complainant and carefully gone through the case diary and the impugned order.

Learned counsel for the applicant submits that infact a false and concocted case has been lodged against the accused-applicant. He further submits that similarly situated co-accused have already been enlarged on bail by this Court vide orders dated 5.5.2006 and 16.05.2006 in S.B. Criminal Misc. II Bail Application No.1889/2006 and S.B. Criminal Misc. Bail Application No.2007/2006 respectively. He also submits that in view of statements recorded under Section 161 Cr.P.C. of two

advocates and one stamp vendor and that clinches the issue and clearly establishes the fact that the accused-applicant has been falsely implicated in this case. In last, he prays in the above circumstances, the accused applicant may be enlarged on bail.

On the other hand, learned Public Prosecutor assisted by learned counsel for the compliant has opposed the bail application and submitted that in this case in Court premises incident has happened, therefore, in these circumstances, the accused-applicant is not entitled to be enlarged on bail.

I have considered the submissions made before me and carefully gone through the material available on record.

Taking into consideration the overall facts and circumstances of the present case and also the statements of the witnesses referred to above, I think it just and proper to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicant Jeewan Solanki son of Moda Ram shall be released on bail in FIR No.21/2006 Sadar Police Station, Bikaner, provided he executes a personal bond in the sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.